

**MINUTES**  
**CLAY COUNTY PLANNING COMMISSION**  
**7:00 P.M., TUESDAY, JULY 18, 2017**  
**MEETING ROOM B - THIRD FLOOR COURTHOUSE**

**Members Present:** Amos Baer, Mark Klevgaard, Tom Jensen, Randy Schellack, Tim Brendemuhl, Jenny Mongeau, Joel Paulsen, Curt Stubstad, Dan Langseth.

**Members Absent:** Bill Davis, Andrea Koczur.

**Others Present:** Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Jason Ennen, Joe Hohenstein,

**APPROVAL OF AGENDA**

**On motion by Randy Schellack, seconded by Dan Langseth, and unanimously carried, the Planning Commission approved the Agenda.**

**APPROVAL OF MINUTES**

**On motion by Tim Brendemuhl, seconded by Randy Schellack, and unanimously carried, the Planning Commission approved the June 20, 2017 Minutes as presented.**

**CITIZENS TO BE HEARD**

There were no citizens to be heard on matters not on the Agenda.

**JASON ENNEN AND JOE HOHENSTEIN - REQUEST FOR CONDITIONAL USE**

The applicants are seeking approval of a Conditional Use Permit to allow the establishment of a U-store commercial storage facility on a 4.79-acre parcel. Said property fronts on US Highway 75. The property affected is located in the NW Quarter, SE Quarter, Section 32, T139N, R48W (Moorhead Twp.) in the Agricultural General (AG) and Urban Expansion Tier 2 (UE2) zoning districts.

**On motion by Tom Jensen, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.**

Tim Magnusson, Planning Director informed the Commission that a request for change in zoning was heard last year, but was denied. Since then, changes have been made to our zoning districts. Specifically, changes in the Urban Expansion District (“UED”). Magnusson presented a photo of the proposed site, pointing out the city limits, and UED. He explained the 2-tier system, indicating them on another photo of the area. The property involved in this request is located in Tier 2, and commercial storage units are now allowable under Tier 2. Three residences are located within the immediate vicinity. The proposed facility would front Highway 75. The applicants will work with the owner and the MNDOT regarding the approach size. As proposed, the facility would consist of 13 new storage buildings containing approximately 250 storage units. He added the applicants will need to create a stormwater detention pond and are in the process of working on that with an engineering firm. There is a drainage ditch but they need a retention pond. Magnusson has also been in contact with MNDOT and did not get any indication they would require turn lanes. If the

permit is approved, they would need to seek approval from MNDOT. The applicants' intent is to fence in the site, have security lighting and an access gate. In speaking with MNDOT, they did not see this as a high traffic area.

The applicants were present for questions. Jason Ennen stated he has been in contact with MNDOT. The driveway is 16 feet wide and they require 32 feet. They plan to meet those requirements. Joe Hohenstein explained how they are working with MDN Engineering and as soon as the permit is approved, they will move forward with the stormwater application. The proposal is for the maximum buildings but they do not plan to build them all right away. They will begin on the south side. They have talked to the Moorhead Fire Marshall regarding a fire truck's ability to turn around on the establishment property. They are waiting for the requirements and believe they can accommodate them. Hohenstein is a contractor. He explained they would have concrete in the units and gravel throughout. The buildings would be stick-built, with steel or vinyl siding. The west side would appear more attractive, constructed with brick or stone. A gated fence with rod ironed railing would be located on the west side with 24-hour key card access. The current building already has a well and holding tank. They plan to tear down the existing building which now houses storage for three entities. Asphalt paving would take place in the future.

The chair asked if anyone else wanted to speak for or against the proposal.

Steve Mottzan, owner of Moorhead Marine voiced his concerns. He stated when he put his building up, he was required to have steel buildings with no wood. He questioned what would be stored in the units specifically fire starting substances. He asked how the extra traffic would be handled. He assumes there would be 10-20 more cars/trailers per day. He was required to have turn lanes and thinks it fair the applicants should also. The Chairman said the conditions addressed many of his concerns. He built his building 15 years ago. He stated he wants "no engine brakes" signage.

Gary Euren owns 10 acres north of this location and he wanted to make sure the proposed facility is not directly beside his property because there is more than likely going to be a church built. Magnusson confirmed it is not adjacent to his property.

Brent Strand and Ray Kvalvog addressed the Commission. Strand said they had appeared before the Planning Commission regarding their storage plans about a year and a half ago and were denied. They have been in contact with the City of Moorhead regarding their proposal. Kvalvog stated he feels frustrated they have had to go through more hoops and there were mistakes made that cost them money. Kvalvog stated he was told there were problems related to esthetics and proximity to housing. Their proposed site is on the verge of Tier 1. He asked Magnusson what could they do in Tier 1. Magnusson referred to the Use Table. They asked the Commission to consider delaying this project to allow them both to go through the process, be competitive and see who has the better site. They feel their location is better as far as safely. Strand and Kvalvog asked for equality and fairness.

The applicants approached with rebuttal. They explained that they were here about a year ago regarding rezoning. The Planning Commission recommended it to the County Board but the County Board voted against the rezoning. Since then, the County has changed its zoning. There are already commercial sites in the area. They had the Purchase Agreement one year ago, so decided to re-approach the Commission. To recap, Ennen stated the MN DOT has approved their access plan which includes widening the approach, the Township has approved the plans and they

are working with the Moorhead Fire Department to confirm an approved emergency access.

**On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.**

Jensen pointed out Mr. Mottzen's points. The building code and building structure were discussed. The type of structure is determined by the use, whether it needs steel, wood, sprinklers, etc. That is not the Planning Commission's decision to make.

The City of Moorhead Comprehensive Plan was brought up. Paulsen discussed the uses in both Tier 1 and 2. Tier 1 covers an area feasible for sanitary sewer and growth area. Tier 2 is more of a mixed-use area consisting of residential and commercial. Storage units would be a nice addition alongside apartment buildings. The apartment residents could use the units to store their belongings.

Klevgaard stated that he owns storage units. His contract states it does not allow flammable items, perishables, etc. He also affirmed that traffic will not be an issue and estimates 2-3 cars per day.

Paulsen would like a condition addressing architectural design. It was determined the building code would cover most issues.

The City of Moorhead and the County are working together to be as consistent as possible.

**The Findings of Fact for Interim Use Permits were reviewed by the Planning Commission and no standards warranted further discussion.**

**On motion by Jenny Mongeau, and seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved Jason Ennen's and Joe Hohenstein's application for Conditional Use Permit to allow the establishment of a U-store commercial storage facility on a 4.79-acre parcel located in the NW Quarter, SE Quarter, Section 32, T139N, R48W (Moorhead Township), with the following conditions:**

- 1) Applicant shall obtain all applicable local/State/Federal permits/reviews (ie. Septic system, Storm Water Pollution Protection Plan (MPCA), WCA review, etc.) before any construction and shall provide copies to Planning Office;**
- 2) Facility signage shall meet HC or LHC sign standards (maximum of 128 sq. ft. per sign face (max of 2 faces), or 5% of the wall area on which sign is located) and any other applicable County sign standards;**
- 3) The facility shall meet all applicable setback requirements as per the County Development Code;**
- 4) Outdoor storage shall not be allowed anywhere on the property;**
- 5) Days and hours of operation shall be 24 hours a day, seven days a week;**
- 6) Building shall be located within a perimeter fence with appropriate lighting for security;**
- 7) Access shall be off US Highway 75 in accordance with MNDOT standards and requirements;**
- 8) Units shall be used for storage only. No business or commercial enterprise shall be conducted out of a storage unit.**

### **TIMOTHY LANGEORG. - REQUEST FOR INTERIM USE**

The applicant is seeking approval of an Interim Use Permit to allow the establishment of an event center venue on his property. The property affected is an 11-acre parcel located in the SW Quarter, SW Quarter, Section 30, T141N, R47W (Morken Twp.) in the Agricultural General (AG) zoning district.

**On motion by Curt Stubstad, and seconded by Joel Paulsen, and unanimously carried, the Planning Commission removed the Request for an Interim Use from the table.**

Magnusson presented photos of the site, highway, township roads and areas for parking. He indicated the proposed area for the center. Stubstad visited the site. The concern is people taking the wrong turn and entering the neighbors' yards. The road is narrow and the curve is dangerous.

Magnusson said the road needs to be widened for two vehicles to meet. Klevgaard inquired if the Township could improve the road. Township Official Neil Hanson affirmed the Township would not have money to improve the road. The issues for the roads are between the landowner and the Township.

The Commission felt the idea of the proposal was positive but took issue with the road condition. Mongeau stressed that she is in full support of the proposal and the only reason she would vote against it is because of the road condition. Paulsen is in favor of the general use of the proposal and agrees with Mongeau.

**The Findings of Fact for Interim Use Permits were discussed at the last meeting but restated by Samarzja.**

**On motion by Tim Brendemuhl, and seconded by Jenny Mongeau, and unanimously carried, the Planning Commission denied Timothy Langeberg's request for an Interim Use Permit to establish an event center venue on his property located on an 11-acre parcel located in the SW Quarter, SW Quarter, Section 30, T141N, R47W (Morken Township) for the following reason(s):**

- 1. The overall safety and welfare concerns of the public while utilizing 100<sup>th</sup> Avenue;**
- 2. The condition of 100<sup>th</sup> Avenue wherein being too narrow and having dangerous curvature.**

### **Adjourn:**

**On motion by Randy Schellack, and seconded by Dan Langseth, the meeting adjourned at 8:10 p.m.**

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Thomas Jensen, Planning Commission Secretary